

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICHARD PRATT and LARRY JONES,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

KSE SPORTSMAN MEDIA, INC.

Defendant.

Case No. 1:21-cv-11404

Honorable Thomas L. Ludington
United States District Judge

STIPULATED ORDER TO STAY CASE PENDING MEDIATION

Plaintiffs Richard Pratt and Larry Jones (collectively, “Plaintiffs”) and Defendant KSE Sportsman Media, Inc. (“KSE,” together with Plaintiffs, the “Parties”) state as follows:

WHEREAS, on June 15, 2021, Plaintiffs filed the operative Class Action Complaint (ECF No. 1);

WHEREAS, on November 24, 2021, KSE responded to the Class Action Complaint by filing a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (ECF No. 17);

WHEREAS, on February 15, 2022, the Court issued an Opinion and Order Granting and Denying in Part Defendant’s Motion to Dismiss (ECF No. 24);

WHEREAS, on March 1, 2022, KSE filed an Answer to the Class Action Complaint (ECF No. 26);

WHEREAS, on April 20, 2022, the Court issued a Case Management and Scheduling Order (ECF No. 30);

WHEREAS, since that time the Parties have conducted substantial discovery, including written discovery, extensive document discovery, and third-party discovery;

WHEREAS, the discovery the Parties have conducted to date allows them to competently assess the strengths and weaknesses of the case;

WHEREAS, on August 19, 2022, KSE filed a Motion for Judgment on the Pleadings pursuant to Fed. R. Civ. P. 12(c) (ECF No. 44), which is pending before the Court;

WHEREAS, counsel for the Parties have engaged in settlement discussions and have agreed to submit this matter to private mediation;

WHEREAS, due to scheduling conflicts for KSE's counsel, including three trials in other matters, the Parties have agreed to conduct the mediation within the next 120 days;

WHEREAS, the Parties believe that judicial economy and the interests of the Parties would be served by a stay of this action to preserve the status quo while the Parties conduct their private mediation;

WHEREAS, no later than 120 days from the date of this Order, the Parties shall file a joint status report to update the Court on the status of their settlement negotiations, including whether a schedule should be reset for the remainder of the case.

Accordingly, it is **ORDERED** that:

1. This action is **STAYED until January 3, 2022, or until further order of this Court**, for all purposes so that the Parties may attempt to resolve this action through private mediation;
2. KSE's Motion for Judgment on the Pleadings, ECF No. 44, will be **ABEYED** during the stay;

3. The parties are **DIRECTED** to file a joint status report **on or before December 19, 2022**, to update this Court on the status of their settlement negotiations, including whether a schedule should be reset for the remainder of the case.

Dated: September 20, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

STIPULATED AND AGREED:

/s/ E. Powell Miller

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Dated: September 19, 2022